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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,941	11/07/2003	Hideki Nishimura	ND-US030720	2940
22919	7590	12/14/2004	EXAMINER	
SHINJYU GLOBAL IP COUNSELORS, LLP 1233 20TH STREET, NW, SUITE 700 WASHINGTON, DC 20036-2680			RENNER, CRAIG A	
			ART UNIT	PAPER NUMBER
			2652	

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/605,941

Applicant(s)

NISHIMURA ET AL.

Examiner

Craig A. Renner

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8 is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>07 November 2003</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

This application is in condition for allowance except for the following formal matters:

Drawings

1. The drawings are objected to because of the following informalities:

a. The drawings fail to comply with 37 CFR 1.84(p)(5) because they do not include one or more reference signs mentioned in the description. Note, for instance, “9” (disclosed as a “communicating passage” in line 12 of paragraph [0038], for instance).

b. In FIG. 6, reference sign “57” should be drawn to the “head-shifting mechanism” in order to be consistent with the remainder of the disclosure.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), and/or an amendment to the specification in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

3. The abstract of the disclosure is objected to because it is not "limited to a single paragraph on a separate sheet within the range of 50 to 150 words." Appropriate correction is required. See MPEP § 608.01(b).

4. The disclosure is objected to because of the following informalities:

a. In line 17 of paragraph [0036], "stator 116" should be changed to --stator 16-- in order to be consistent with the remainder of the disclosure.

b. In line 18 of paragraph [0037], "rotor 106" should be changed to --stator 6-- in order to be consistent with the remainder of the disclosure.

c. In line 36 of claim 1, --a-- should be inserted before "radially inward portion" for better clarity.

d. In line 2 of claim 2, "at least one of" should be deleted as only one choice follows this phrase.

e. In line 3 of claim 4, --a-- should be inserted before "radially outward portion" for better clarity.

f. In line 10 of claim 4, --an-- should be inserted before "edge portion" for better clarity.

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g. In line 43 of claim 5, --a-- should be inserted before "radially inward portion" for better clarity.

h. In line 2 of claim 6, "at least one of" should be deleted as only one choice follows this phrase.

i. In line 3 of claim 8, --a-- should be inserted before "radially outward portion" for better clarity.

j. In line 10 of claim 8, --an-- should be inserted before "edge portion" for better clarity.

Appropriate correction is required.

5. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections/Considerations - 35 USC § 103

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Pertinent Prior Art

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. This includes Tokunaga et al. (US 2003/0230943), which teaches a spindle motor comprising a communicating passage formed in a bearing member so that one end of the communicating passage opens on a thrust bearing section radially inwardly therein and so that axial end bearing clearances formed between a bearing hole and shaft communicate through the passage to balance pressure within the bearing clearances.

Allowable Subject Matter

8. Claims 1-8 are allowable over the prior art of record. The prior art of record does not teach nor suggest "an annular protruding portion being formed on at least one of the end face of the bearing member and the flat face of the rotor at [a] radially inward portion of the thrust bearing section" in addition to the specifics of the shaft, bearing member, rotor, bearing clearances, thrust bearing section, radial bearing section, and communicating passage.

Conclusion

9. Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.


A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig A. Renner whose telephone number is (703) 308-0559. The examiner can normally be reached on Tuesday-Friday 7:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Craig A. Renner
Primary Examiner
Art Unit 2652

CAR